

Judiciary Committee Public Hearing – March 31, 2014
Testimony on SB 494 Re: Child Custody Disputes and Guardians ad Litem
Donna Weingart – (203-726-0197)

I am a mother from Fairfield County who testified before the Legislative Task Force in January which follows. In order to protect my 11 and 8 year old children I am using my maiden name so they will not be exposed to the documentation of what occurred should they Google our last name.

As I stated in January, the GAL in my case, Attorney Rita Moore of Milford, failed to act in the best interests of my children. She acted in the best interests of my ex-husband. When my second attorney, Attorney Kieran Costello of Fairfield in September of 2011 asked me who my GAL was, he informed me that my GAL and my then husband's attorney John Mager of Milford...that their families vacation together. My immediate response was that we needed to get her removed and he said "it's impossible to get a GAL removed." In subsequent court proceedings I had a 30 years forensic psychologist who also serves as a GAL comment to me on how my GAL would always sit in the hallway with opposing counsel and my ex-husband. I told her it was like that every court appearance. There wasn't even an attempt at professionalism.

Attorney Moore was paid \$300 an hour by my ex-husband for the first 19 months leading up to my divorce. Once the divorce occurred there was no allocation of fees yet I had to pay my attorney to fight my having to pay half of Attorney Moore's bill in excess of \$11,000 when I had zero income and my ex-husband had assets and was making over \$200k a year. I believe the Deputy Chief Court Administrator testified earlier when posed the question by Representative Gonzalez in just such a scenario he responded he'd look at the financial affidavits as well as who was paying originally. Needless to say Judge Frankel did neither.

In my case there never should have been a GAL to begin with but as Mr. Stevens testified earlier this is about who has the "right" players and their affiliations as well as the money especially down on the Gold Coast of CT. Attorney Moore's current case docket shows a predominance of cases whereby she is the GAL in high-conflict drawn out money makers. I found few instances where anyone hired her to actually represent them in their divorce and the cases I did view where she represented an actual divorce litigant showed minimal court dockets. In other words, from what I viewed online she makes most of her money serving as a GAL in high conflict cases.

In my case, Rita Moore served as GAL going before Judge Frankel in July of 2011 when my ex filed an ex parte motion to remove me from my home after I had served him 4 months earlier with divorce. At the time I had brought my child to Yale and he was admitted and under the law I had the right to bring him as he was admitted through the emergency room. Against Yale's recommendations Rita along with my ex and opposing counsel had my son removed from Yale and Judge Frankel took away my medical rights. My GAL didn't file an appearance with the court to serve as a GAL until a full month later. How was it she was able to appear and participate as a GAL prior to ever having filed an appearance?

GALS are supposed to investigate....Rita failed to do so – 2 therapists, one psychiatrist and three psychologists had opinions contrary to Dr. Nicholson which she disregarded....she admitted on the stand she spoke "extensively with Dr. Nicholson" but that was it....upon receiving a letter from my daughter's doctor stating my daughter was suffering and needed to be with me in the Fall of 2012 Rita never spoke with this doctor....Judge Frankel had to order her to speak to this doctor in a room down the hall at a Court hearing in May of 2013 whereby Rita then refused to waive privilege and allow my daughter's doctor to testify. This was corruption at its finest. Rita was in John Majer's good boy network. You only let the doctor testify that's against the mother not the one for the mother. She also in serving as GAL chose the forensic account to evaluate my ex-husband's business worth!

In August of 2013 she testified I should have a supervisor drop in on visits after it came to light there were 16 months of visitation notes with not one thing to justify supervision and a therapist, a psychiatrist and three psychologists had testified contrary to the one doctor Rita talked EXTENSIVELY to, Dr. Eric Nicholson who is currently under investigation by the CT Department of Health.

In closing, most importantly, my GAL early on allowed my ex-husband to take my child to an abusive doctor against our pediatrician's recommendation to stop going there. He was my son's primary doctor and our GAL should have abided by his opinion and stopped the visits to the damaging psychologist. We received a diagnosis on our child in June of 2011 and have yet to see a specialist three years later. This GAL had ZERO formal training or knowledge in my child's diagnosis and perpetuated my ex-husband's idea I was the cause of my child's issues when all characteristics were textbook to the spectrum disorder he was diagnosed with and had nothing to do with parenting. Because of her lack of knowledge, bias toward the money which was coming in from my ex-husband and her friendship with his attorney she failed my children. Family Relations had it right in March of 2012. Joint custody and shared parenting. No reason whatsoever for supervised visitation. When Family Relations testified only 2 months after their report (Kevin McCarthy in Bridgeport....an ethical and upstanding professional one of the very few in this entire case) Judge Frankel didn't bother to listen and said his report was stale...it was completed 2 months prior! Unfortunately, Judge Frankel's opinions were colored by her opinion of her "super" GAL was how she described Attorney Moore during one Court hearing. My attorney told me numerous times over 18 months Frankel screwed up in my case by listening to a camp which included a corrupt, incompetent doctor who was the expert for opposing counsel and this GAL and that we had to give her something to "hang her hat on" so she could reverse herself and give me my children back. That's why I did 16 months of demeaning, unnecessary supervised visitation. I got my children back and Judge Frankel got to save face. My children were the victims in this.

Prior to serving my ex-husband my parents were my children's closest extended family members. They didn't see their only grandchildren for an entire year. My grandfather volunteered and lost his life in WWII and his son, my Dad, served in Vietnam and has always been a proud man who believed in our country. Last June, in Judge Frankel's courtroom he turned to the sheriff and said "that American flag has no business hanging in this Court Room" and the Sheriff shook her head in agreement because she knew it was true as well after what she heard herself. I ask that you change this corrupt system. GALs perpetuating drawn out divorces serving as money mongers are hurting our children.

Legislative Task Force – Public Hearing Testimony
January 9, 2014 – Donna Weingart – 203-726-0197

In 2011, I served my ex-husband with divorce. During that time one of my children was seeing a psychologist who failed to properly diagnose and ordered my ex to use abusive treatment which our pediatrician was against. Our GAL, Attorney Rita Moore of Milford allowed this to go on an entire summer only meeting the children months later. My child then began seeing a psychiatrist, Dr. Eric Nicholson of Norwalk. Nicholson was our only referral, was out of our insurance network, did not specialize in my child's diagnosis. He'd see my child once a week an hour, our family for an hour and my ex and I for two hours a week for a year. He would get into our marital issues such as our finances and sex life beyond the scope of his role. Family Relations recommended joint legal custody and 50% shared. One month later Nicholson became my ex's hired gun in removing me from my children's lives with no grounds whatsoever. Nicholson testified and would imply to the Court that I had borderline personality disorder when my own psychiatrist had diagnosed Adjustment Disorder which is simply situational anxiety and depression. Judge Frankel conferred authority outside the Court to Nicholson who had never served in such a role ordering that I follow his roadmap. She said "No one's perfect, but in order to be a good parent, you have to start out being a good and a whole person." There was blatant and unwarranted bias on behalf of this judge toward me. I was ordered by Nicholson to go to a therapist and two ph.d. psychologists all of whom testified favorably on my behalf just as my own psychiatrist had done. I spent 16 months on supervised visitation as I jumped through Nicholson's hoops as he sought a professional to agree with him. None ever did. Nothing in 16 months of notes to justify supervision per the very doctors he sent me to. He's under investigation by the Department of Health. I sent you the complaint. My GAL spoke with Nicholson religiously failing to speak with the other professionals and had to be ordered to do so by the judge. She refused to waive privilege as the testimony of my daughter's doctor would have been favorable to my daughter and I. She ignored her letter months earlier stating my daughter was suffering and needed to be with me. When the doctors disagreed with Nicholson he fired them. My GAL acted in the best interests of my EX not my children being paid over \$30,000 seeing my children only twice in 2 ½ years.

I am a loving parent and was the primary caregiver, have never had any mental health issues or substance abuse unlike my ex with an documented history of substance abuse. I have always had joint legal custody but currently have less time with my children as my ex pays his sister to watch them. If a person in Connecticut such as myself divorces a spouse with money and unbridled anger, if you don't have tens of thousands of dollars for legal fees, expert witnesses, unnecessary therapy, supervised visitation along with the mental wherewithal to withstand the mental abuse of our corrupt system your children can lose their mother. I fought like hell and got mine back but all three of us have been unjustly scarred and will have lasting pain from this system that did not put them first. The judge and the GAL in this case failed them as well as my child's doctor who took an oath to cause no harm yet continues to see my child in a back room unsupervised. The very doctors he referred me to describe him as iatrogenic, Hitleresque, obsessive compulsive, mental issues, cruel and inhumane. Thank you.

QUESTIONS

How long were you on supervised visitation?

16 months

How much did you spend on unnecessary therapy and supervised visitation?

\$35,769.00

How many care providers did Dr. Nicholson order you to see?

Three different ones over the course of a year

Your own doctor said you didn't need the therapy?

Yes

How much has Dr. Nicholson been paid?

In a year and a half he was paid approximately \$38,000 with only \$7,000 covered by insurance but since that figure I estimate over \$40,000 and possibly cash as well

How much did you spend on legal fees?

Approximately \$150,000. With approximately \$100,000 on custody alone.

How much has the GAL been paid?

Approximately \$11,200 by me and over \$16,000 by my ex so over \$30,000

She met with your children how many times?

Twice in 2 ½ years

How many of those times were with you?

Only Once

Were you ever ordered prior to your divorce to withdraw your life insurance to pay the GAL and opposing counsel?

Yes

How much life insurance?

\$51,000

At that time what was your husband's income?

Well into six figures

In December of 2013 were you ordered to pay half of the GAL's bill even though your divorce took place a year prior and there was no allocation of fees since?

Yes

What was your income and your ex's on your financial affidavits at that time?

Mine was zero his was well into the six figures

Dr. Nicholson referred you to two ph.d. psychologists. Once they got to know you and read all of the notes finding no justification for supervision what was their explanation to you to help you understand what was happening?

The 30 yr forensic psychologist – said Nicholson is Hitleresque, obsessive compulsive, something wrong with him mentally – she said to him directly she felt he was being iatrogenic which means *causing more harm than good* and she said that I didn't need parenting therapy I needed therapy to deal with the mental abuse my children and I were going through at the hands of Dr. Nicholson.

My daughter's psychologist described him as cruel and inhumane and that there's something wrong with him.

In June Dr. Nicholson took the stand and your lawyer questioned him as to how all the doctors he referred to didn't agree with him even the 30 year veteran psychologist in the courtroom that day....what was Dr. Nicholson's response?

All the other professionals were wrong about me

How many other professionals were there in total?

One psychiatrist, three psychologists and two therapists as well as a double masters teacher whom he would not allow to supervise my visits when she reported positively in her feedback on the visits she oversaw.

Did your GAL testify admitting she spoke with Dr. Nicholson extensively and did not speak with the other professionals except when she was ordered to do so?

Yes

She did speak briefly with one of the psychologists about me and when she received a great report the psychologist told me it was immediate whereby Nicholson then tried to fire her as my psychologist.

What did that imply to her?

That the GAL immediately told Dr. Nicholson she'd given a good report on me and he was trying to get rid of her but she stood up to him.

Did you feel there was bias in your case?

Yes

Corruption?

Yes and cronism on behalf of opposing counsel and my GAL...I felt the judge knew and respected both of them and that colored her view of what was happening in my case

Did a prior attorney tell you opposing counsel and your GAL vacationed together?

Yes

Are opposing counsel and your GAL friends on Facebook?

Yes

Can you tell the Task Force some of the feedback you received via Dr. Nicholson and his inexperienced supervisor which he used to keep your children from you?

- Cutting poster paper in half
- Thanking ex and children for items in waiting room as opposed to his office
- Referring to the ice cream in my fridge as my son and daughter's respective favorites rather than calling it the "family ice cream"
- Not using the point chart he put both of my children on rigidly enough....I used it every visit and was even told by my daughter's doctor she shouldn't even be on it
- Letting my child do a load of towels in the washing machine
- Having counter height chairs and a table....my kids are 11 and 8 and have the same at their fathers
- Criticized for having my son play a music CD for his sister to practice for a dance recital...accused of making him the parent when my ex didn't even know how to use the sound system and my child loved doing this for his younger sibling
- Told not to hug my children to ask if they would like a hug before hugging them

During the 16 month period of supervised visitation was there a period where you did not see your children for 2 months?

Yes

Why?

In July of 2012 my attorney emailed Dr. Nicholson that the court order did not prohibit me from attending public activities such as Little League games (I'd never missed one), classroom parties, dance recitals, etc. She stated to Dr. Nicholson that his threatening to take my children from me was unwarranted this became a Court exhibit. I went and watched my son at sailing school and sat in the audience with my ex and my son at my daughter's dance recital and was then prevented from seeing my children for two months and for the next year had to pay a supervisor so I could sit in the audience at school activities and baseball games, etc. I couldn't afford to attend many but did what I could as my children were disappointed when I wasn't there as I had been the only parent at every activity throughout their lives.

Did you get to go to your daughter's First Communion?

No

Why not?

A court date was approaching whereby I had my experts in place to modify custody. Dr. Nicholson took my supervisor of 9 months away, refused to approve one which was more qualified but had expressed to him her approval of me as a mother. My funds were tight and he would make it expensive to "vet" as he called it a new supervisor. The psychologist he referred me to offered to attend with me and he would not let her and sent her a scathing email. She'd been to see me at my home with the children unsupervised and in her office yet he wouldn't let me sit in my Church in the audience with her. I asked my GAL if I could pay her so I could attend and she refused. I was told I could not be prevented from going to a place of worship but I was too afraid of jeopardizing potential progress in Court with Judge Frankel whom my attorney describes as hating me, a loose cannon and incompetent and not knowing the law.

Did Dr. Nicholson hire an attorney and appear on your divorce docket?

Yes

Why?

He billed my attorney for \$9,000 for compiling his notes for Court even though the Judge had ordered all the doctors to provide their notes and he also billed for his expert testimony even though he was never my expert he was opposing counsel's. Thankfully my attorney researched the law and in Chambers educated the Judge who then ruled against Dr. Nicholson being paid. He then threatened to sue my attorney.

Do you receive alimony or child support?

No

Are any of the individuals involved in your case AFCC members?

Yes, my GAL Attorney Rita Moore and opposing counsel Attorney John Majer

Can you tell the task force what your dad said after listening to Nicholson's testimony last June?

Prior to serving my ex-husband my parents were my children's closest extended family members. They didn't see their only grandchildren for an entire year. My grandfather volunteered and lost his life in WWII and his son, my Dad, served in Vietnam and has always been a proud man who believed in our country. Last June, in Judge Frankel's courtroom he turned to the sheriff and said "that American flag has no business hanging in this Court Room" and the Sheriff shook her head in agreement because it was true.